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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,334	07/05/2001	Johan Ubby	1931/62303	2617

7590 03/24/2004

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EXAMINER

FIGUEROA, FELIX O

ART UNIT PAPER NUMBER

2833

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

12.8

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/899,334		UBBY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Felix O. Figueroa		2833	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29,39,40 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29,39,40 and 43-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

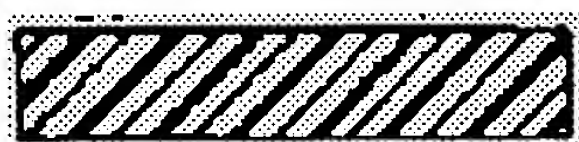
## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 7, 2004 has been entered.

### ***Drawings***

The drawings are objected to because they have elements shown in cross section which are not properly crosshatched. Insulating members shown in cross section should be properly crosshatched. See for example member 12 in Figure 2A. It is brought to applicant's attention that the conventional crosshatch for insulating members shown in cross section consist of lines of two different thicknesses alternatively disposed.



Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Claim Rejections***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7-11, 13, 14, 16-22, 24, 25, 27-29, 39, 40, 43, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Kruppenbach et al. (US 3,923,121).

Kruppenbach discloses a monitoring cable comprising: a connector (52); a cable / plurality (two cables) of respective cables (12) including a plurality of individual wires (56) each extending substantially an entire length of the cable, the cable having a first end attached to the connector and a distal end; and a plurality of electrodes / electrode connectors (14) each connected to a respective one of the plurality of individual wires and positioned at various points along the cable.

Specifically on claims 19, 20, 39 and 40, please note that Kruppenbach teaches a plurality of cables, specifically two (sequentially connected with each other), having and end terminating at the connector (52 on left side of Fig.2).

Regarding claims 2, 11 and 22, Kruppenbach also discloses each of the plurality of individual wires comprising a single strand wire.

Regarding claims 4, 13 and 24, Kruppenbach teaches the electrodes are integrally formed in the cable (col. 3 line 39-41).

Regarding claims 5, 14 and 25, Kruppenbach also teaches resistive elements (80) positioned between a respective electrode and a respective one of the plurality of wires.

Regarding claims 7, 16 and 27, Kruppenbach shows the cable being substantially circular in cross section.

Regarding claims 8, 17 and 28, Kruppenbach inherently discloses the individual wires being electrically insulated from each other.

Regarding claims 9, 18 and 29, Kruppenbach also shows an interface connector (52) provided at one end of the cable and including a plurality of contact points connected to a respective one of the individual wires.

Claims 3, 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruppenbach in view of Hart et al. (US 3,325,765).

Kruppenbach discloses substantially the claimed invention except for the single strand wires instead of the multi-strand wires. Hart shows that a multi-strand wire is an equivalent structure known in the art for single strand wire. Therefore, because these two wires were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious the substitution of single strand wires for multi-strand wires to complete the electrical connection.

Claims 6, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruppenbach in view of Poon (US 5,601,448).

Kruppenbach discloses substantially the claimed invention except for a circular cable instead of flat cable. Poon shows that a flat ribbon cable is an equivalent structure known in the art for a circular cable. Therefore, because these two cables were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious the substitution of a circular cable for flat ribbon cable to carry the plurality of individual wires.

### ***Response to Arguments***

Applicant's arguments filed January 7, 2004 have been fully considered but they are not persuasive.

In response to Applicant's arguments that Kruppenbach does not teach or suggest "a plurality of electrodes that are each electrically connected to a respective one of the plurality of individual wires" because Kruppenbach "it appears that the geophones for [that] one section would be electrically interconnected to produce one channel of information (Column 3, lines 42-45)" please note that Kruppenbach discloses (in col. 4 lines 23-25 and 29-32) that the electrodes (14) are electrically connected to a respective one of the plurality of wires (56) by means of wires 80. Furthermore, it is noted that the fact that geophones produce one channel of information does not preclude each electrode from being connected to a respective wire.

### ***Conclusion***

This is an RCE of applicant's earlier Application No. 09/899,334. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had

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been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ffr

*John O. Jgk*

  
RENEE LUEBKE  
PRIMARY EXAMINER